UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NORTHEASTERN DIVISION

ANTHONY R. NELSON]	
Plaintiff,]	
]	No. 2:13-cv-0050
v.]	(No. 2:13-mc-0003)
]	Judge Sharp
RODNEY PHILLIPS]	-
Defendant.]	

ORDER

The plaintiff is an inmate at the Turney Center Industrial Prison in Only, Tennessee. On May 21, 2013, an order (Docket Entry No. 2) was entered granting him thirty days in which to submit either the full filing fee or an application to proceed in forma pauperis.

At that time, the plaintiff was forewarned that, in the event he failed to comply with these instructions in a timely manner, the Court would presume that he was not a pauper, assess the filing fee and order its collection from his inmate trust account, and dismiss the instant action for want of prosecution.

The thirty day period has expired and the plaintiff has not yet complied with the instructions of the Court. Accordingly, the Clerk shall file the complaint.

The plaintiff is herewith ASSESSED the civil filing fee of \$350.00. Pursuant to 28 U.S.C. \$1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

(a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust

account; or

(b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust

account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding

monthly income (or income credited to the plaintiff's trust account for the preceding month), but

only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee has been paid

to the Clerk of Court. 28 U.S.C. § 1915(b)(2).

This action is hereby DISMISSED for failure to comply with the instructions of the Court

and for want of prosecution. McGore v. Wrigglesworth, 114 F.3d 601, 605 (6th Cir. 1997). The

Clerk is directed to send a copy of this order to the Warden of Turney Center to insure that the

custodian of plaintiff's inmate trust account complies with that portion of the Prison Litigation

Reform Act relating to the payment of the filing fee.

It is so ORDERED.

Kevin H. Sharp

United States District Judge